IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

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**WRIT PETITION NO : 24033 of 2004**

**Between:**

A.L. Selva Raj S/o.Late A.L.Swamy
aged 55 years, Occ: Dy.Supdt., (MAT),

A.P.S.R.T.C. Shadnagar Depot.,
Shadnagar, Mahabubnagar District.

**..... PETITIONER**

AND

1. Depot Manager, A.P.S.R.T.C.,

Shadnagar Depot, Shadnagar, Mahabubnagar District.

2. Regional Manager (HCR), APSRTC., Secunderabad.

3. Personal Officer, HCR, APSRTC, Secunderabad.

4. The Vice Chairman and Managing Director,

APSRTC., Musheerabad, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly in the nature of Mandamus declaring the action of the respondent No.1 in issuing the office order No.E3/302(1)2004-SDNR, dated: 28-10-2004 as illegal, arbitrary, unconstitutional, null and void and

violative of all principles of natural justice and fair play and pass such other order or orders.

**Counsel for the Petitioner: MR.K.LAKSHMI MANOHAR**
**Counsel for the Respondents: MR.Y.V.SWAMY**

**The Court at the admission stage made the following:**

**ORDER:**

The writ petition is filed to declare the action of the respondent No.1 in issuing the Office Order No.E3/302(1) 2004-SDNR dated 28.10.2004 as illegal and arbitrary.

2. The petitioner was in occupation of the Departmental Quarter No.12/12, at Kachiguda, allotted to him. After his transfer, he did not vacate the quarter. Therefore, the impugned proceedings have been issued. Challenging the same the present writ petition is filed.

3. The counsel for the petitioner contended that without giving any notice, the impugned proceedings have been issued. He also contended that he made representation to the respondents on 01.11.2004 and 02.11.2004 and the same were pending.

4. The respondents' counsel opposed the same. The impugned orders have been passed directing the petitioner to pay penal rent. This impugned order was also indicate that the petitioner was transferred to Shadnagar on promotion as Deputy Superintendent. He has to vacate the staff quarter within the period of three months. But the writ petitioner did not vacate the same. He has vacated it on 13.08.2004 i.e., after lapse of 3 (three) years 10 (ten) months. Basing on the circular instructions in Circular No.PD-84/1997 dated 04.12.1997 the respondents calculated the penal rent and ordered to recover the amount from the salary of the writ petitioner towards penal house rent. The stay of the petitioner in the staff quarters after 14.10.2000 is not legal. He has to vacate the quarter within three months. He did not do so. Therefore, the impugned proceedings have been issued basing on the Circular of the respondents Corporation dated 04.12.1997.

5. The order under challenge does not suffer from any incurable legal infirmities so as to call for interference by this Court. Therefore, the writ petition is devoid of merits and the same is dismissed. However, the respondents shall consider the representations of the petitioner dated 01.11.2004 and 02.11.2004 which are

pending with them for consideration, in accordance with the rules and regulations of the Corporation within a period of two months from the date of receipt of a copy of this Order.

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**K.C.BHANU,J**

Date: 23rd December 2004.

BSB

**Note:**

Issue C.C. in three days.

// B.O. //

BSB

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Depot Manager, A.P.S.R.T.C.,

Shadnagar Depot, Shadnagar, Mahabubnagar District.

2. The Regional Manager (HCR), APSRTC., Secunderabad.

3. The Personal Officer, HCR, APSRTC, Secunderabad.

4. The Vice Chairman and Managing Director,

APSRTC., Musheerabad, Hyderabad.

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